



Prime Minister's Public Service Directions 1999

I, JOHN WINSTON HOWARD, Prime Minister, make these Directions under subsection 21 (1) of the *Public Service Act 1999*.

Dated 3 December 1999.

JOHN HOWARD
Prime Minister



Prime Minister's Public Service Directions 1999

made under the

Public Service Act 1999

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Clause 1.1

Chapter 1 Preliminary

1.1 Name of Directions

These Directions are the *Prime Minister's Public Service Directions 1999*.

1.2 Commencement

These Directions commence on the commencement of the *Public Service Act 1999*.

Background to these Directions

Under subsection 21 (1) of the *Public Service Act 1999*, the Prime Minister may issue general directions in writing to Agency Heads relating to the management and leadership of APS employees.

Agency Head and **APS employee** are defined in section 7 of the *Public Service Act 1999*.

1.3 Definitions

In these Directions:

commencing time means the time when the *Public Service Act 1999* commences.

statutory appointment means a position of a type that would have been a Commonwealth office, within the meaning of subsection 87 (1) of the *Public Service Act 1922*, immediately before the commencing time.

Chapter 2 Leave for employment

2.1 Mandatory grant of leave without pay

- (1) This clause applies if an APS employee applies to his or her Agency Head for leave without pay to undertake employment:
 - (a) for the purposes of section 13 of the *Governor-General Act 1974*; or
 - (b) for the purposes of section 13 or 20 of the *Members of Parliament (Staff) Act 1984*; or
 - (c) in a full-time statutory appointment; or
 - (d) as a continuation of employment described in paragraph (a), (b) or (c).
- (2) The Agency Head must grant the application.

2.2 Right of return

- (1) This clause applies if an APS employee:
 - (a) has been granted leave without pay for a purpose mentioned in subclause 2.1 (1); and
 - (b) notifies his or her Agency Head, in writing, that the APS employee wishes to return to the Agency to undertake duties.
- (2) The Agency Head must arrange for the APS employee to return to the Agency as soon as practicable.
- (3) The Agency Head must arrange for the APS employee to undertake duties at:
 - (a) the employee's corresponding classification for the purposes of section 5 of the *Public Employment (Consequential and Transitional) Amendment Act 1999*; or
 - (b) if the APS employee was granted leave without pay, for the first time, after the commencing time — the employee's classification immediately before the employee was granted leave without pay.

Clause 2.2

- (4) However, if the classification no longer exists, the Agency Head must arrange for the APS employee to undertake duties at an equivalent classification determined by the Agency Head.

Access to leave credits

It is possible that the terms and conditions applicable to particular types of employment described in this Chapter will not allow an APS employee to have access to his or her accrued recreation leave and sick leave credits while undertaking the employment.

There are guarantees of access to accrued leave credits in:

- clause 32.1 of the *Office of Official Secretary to the Governor-General Agreement 1998-99*; and
- clause 50.4 of the *Members of Parliament (Staff) Certified Agreement 1999-2000*; and
- Remuneration Tribunal Determination 1994/33, *Recreation Leave for Certain Full-time Public Office Holders*.

It is also possible that access could be granted, but only after action by the employee, by the authority responsible for the employment, or by other means. For example, the employee may need to negotiate access to the credits as part of the terms and conditions of a statutory appointment.

It is important that Agency Heads, first-tier persons (defined in the *Public Employment (Consequential and Transitional) Amendment Act 1999*) and other APS employees understand the possibility of not having access to accrued credits, and the effect of not having access, before applications for leave to undertake the employment are made and considered.

Chapter 3 **APS-wide training schemes for gaining skills and experience**

3.1 Schemes

An Agency Head may engage a person for a specified term, or for the duration of a specified task, for the purpose of the person gaining skills and experience under any of the following schemes for which the person is eligible:

- (a) the scheme known as the Aboriginal Employment Development Policy;
- (b) the scheme known as the Australian Traineeship System;
- (c) the scheme known as the Australian Public Service Post-Secondary Industrial Training Scheme;
- (d) the scheme known as the Australian Public Service National Training Wage Program;
- (e) the scheme known as the Disability Employment Enhancement Scheme;
- (f) the scheme known as the Australian Public Service Apprenticeship Scheme;
- (g) the scheme known as New Apprenticeships.